

Appl. No. 10/607,684
Atty. Docket No. CM2682L
Amdt. dated September 22, 2004
Reply to Office Action of 6/23/2004
Customer No. 27752

REMARKS

The specification has been amended to insert the descriptive sub-headings, per page 2 of the Office Action.

Claims 1-5 and 7-13 are now in the case. Claims 1 and 10 have been amended to recite the coefficient of friction, per original Claim 6 (now cancelled as redundant). In accordance with the Examiner's suggestions, the "about" has been removed from the "at least about" phrase and the "mm" designation has been entered into Claim 5. It is submitted that all amendments are fully supported, and entry is requested.

Claims Objections

It is submitted that, in view of the foregoing amendments, all objections (Office Action page 2) should be withdrawn.

Rejections Under 35 USC 103

Claims 1-8, 10-11 and 13 stand rejected over "APA" in view of U.S. 6,023,911, for reasons of record at pages 3-4 of the Office Action.

Claims 9 and 12 stand rejected over "APA" in view of '911 and further in view of U.S. 2004/0093831, for reasons of record at pages 4-5 of the Office Action.

Applicants respectfully traverse all rejections, to the extent they may apply to the claims as now amended.

Briefly stated, and not by way of limitation of the scope of the invention defined in the specification and claims herein, the present invention relates to method of manufacturing pouches using a thermoforming process. In said process, a film mounted on a conveyor is drawn into a mold by under-pressure. During this step, the side edges of the film must remain stably associated with the side margins of the conveyor, so that said edges resist inward movement. Applicants herein have discovered that frictional materials, used together with vacuum, cause the edges to resist such inward movement.

As a general proposition, the fact that webs can be difficult to handle and manipulate, especially in various high-speed processes, is well-known. See, for example, "APA" and U.S. 6,023,911, cited by the Examiner herein. However, for the reasons discussed below, it is

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submitted that nothing in the art teaches or suggests the instant invention, as defined in the amended claims now in the case.

With regard to '911, the Examiner's attention is directed to the fact that this document is not related to the problems associated with web handling during a thermoforming process. Rather, the webs of '911 are used to manufacture packages (especially cigarette packages) in a process whereby the web is "draped" around the article being packaged. See, for example, Col. 1, lines 35-41.

Accordingly, the process of '911 is not concerned with the problem that the side edges of the film web could inadvertently and disadvantageously be drawn away from the margins of the apparatus by vacuum. As noted above, Applicants herein have recognized this problem and solved it by choosing materials which provide an appropriate coefficient of friction.

In fact, '911 employs "the single formaminous belt 11 of the conveying unit" to overcome "such drawbacks" as "the development of wrinkles" in the web. See Col. 6, lines 29-45, and the Figure in '911.

Stated simply, '911 solves the wrinkling problem using the additional belt 11. The present invention solves the "inward migration" (page 3, line 24) problem by means of frictional forces "which are sufficiently large to resist inward movement of the side edges (45) of the film" per Claim 1, herein.

In short, whatever the nature of the problem, i.e., wrinkling versus inward migration, it is submitted that the additional belt 11 used in '911 is not at all suggestive of the edge frictional forces used in the present invention.

It is respectfully submitted that the Examiner's position (Office Action page 4) in this regard is inapposite, with respect to the claims as now amended. Nothing in '911 at all relates to the coefficient of friction required herein, since the means employed in '911 to overcome the wrinkling problem does not employ a friction-effected modality. Instead, '911 simply employs the additional belt 11. It is respectfully submitted that, to modify the clear teachings of '911 in such manner is not simply a matter of selection between suitable materials, but rather, constitutes impermissible hindsight under §103.

The foregoing discussion applies equally in regard to the rejection over "APA"/'911/'3831. Indeed, it is submitted that '3831 (Busch) adds nothing to "APA" or '911, or

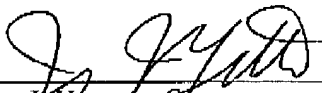
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to the combination thereof, that is any way suggestive of the present means for solving the edge migration problem.

In short, it is submitted that web handling is problematic. The '911 patent teaches a means for overcoming some of the wrinkling problems by means of a support belt. The present invention employs edge vacuum/friction to overcome the inward migration problem. It is submitted that the one solution is simply not suggestive of the other in the sense of §103.

In light of the foregoing, early and favorable action is requested.

Respectfully submitted,

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